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Yasushi Sato

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

GODBOLD, DOUGLAS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,360	Applicant(s) SATO, YASUSHI	
	Examiner DOUGLAS C. GODBOLD	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 19, 21, 29, 39, 40, 48, 49, 57-59, 61, 64-71, 73 and 76-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19, 21, 29, 39, 40, 48, 49, 57-59, 61, 64-71, 73 and 76-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to correspondence filed October 21, 2010 in reference to application 10/584,360. Claims 1-10, 19, 21, 29, 39, 40, 48, 49, 57-59, 61, 64-71, 73, 76-81 are pending and have been examined.

Response to Amendment

2. The amendment filed October 21, 2010 has been accepted and considered in this office action. Claims 1-10, 19, 29, 31, 39, 40, 48, 49, 57-59, 61, 64-71, 73, 76-81 have been amended, and claims 11-18, 20-28, 30, 32-38, 41-47, 50-56, 60, 62, 63, 72, 74, and 75 have been cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 1-10, 19, 29, 31, 39, 40, 48, 49, 57-59, 61, 64-71, 73, 76-81 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 58 objected to because of the following informalities: "a computer performer" should be a "computer performing". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 70-71, 73, 76-81 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims have been modified to claim "an information recording medium storing a program." However the original specification only uses "recording mediums" for providing audio signals to the speech recognition system, not for providing programs (see specification page 57 line 25- page 56 line 2). Therefore this recitation is new matter.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 58, 59, 61, 64-71, 73, and 76-81 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9. **Claim(s) 58, 59, 61, 64-69** is/are rejected under 35 USC 101 as not falling within one of the four statutory categories of invention. While the claim(s) recite a series of steps or acts to be performed, a statutory "process" under 35 USC 101 must (1) be tied to another statutory category (such as a manufacture or a machine), or (2) transform

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underlying subject matter (such as an article or material) to a different state or thing.

The instant claim(s) neither transform underlying subject matter (*i.e., the claim does not include any type of physical transformation, only a manipulation of speech data.*

Manipulations of data are not physical transformations) nor positively recite structure

associated with another statutory category (*i.e., the claimed process does not rely on*

any type of physical hardware and could be performed by a human. For example, the

human could . For example, the human could recognize speech by listening to

somebody talk and understanding, specify the context by determining what command

was said, and specify a process by determining what action is associated with the

command. Furthermore a user could perform the specified command, such as turning

up the volume on the radio, or manually selected navigation functions. Although claims

58, 64, and 68 recite performing the control on the device, it is noted that the device is

ancillary to the invention. A user could perform the command by manipulating controls

on the device, thus the user is performing the control, not the device. Likewise, claims

59, 61, 63, 65, 67 and 69 recite a “predetermined communication device.” This too is

ancillary to the claimed invention, as the communication device is used for the mere

retrieval of data to be manipulated. Further, the data retrieval step can still be performed

by a human by for example, looking information up in a book, which is a communication

device in a broad sense.), and therefore do not define a statutory process.

Note that “ a computer performing” has not been given patentable weight

because the recitation occurs in the preamble. A preamble is generally not accorded

any patentable weight where it merely recites the purpose of a process or the intended

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use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

10. **Claims 70-71, 73, 76-81** are directed to a computer readable medium storing processor executable instructions that is not limited to a tangible, and thus, statutory medium. The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See *In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2.” In the present case, the computer readable medium is only generally/broadly recited in the

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specification/original claims (57 lines 25-27 medium "may" be a disk drive, etc.). Thus the scope of "computer-readable medium" broadly includes signal-based mediums. A signal does not fall within one of the four statutory categories of invention (*i.e., process, machine, manufacture, or composition of matter*) because it is an ephemeral, transient signal and thus is non-statutory. Since the scope of "computer-readable medium" includes these non-statutory instances, claims **70-71, 73, 76-81** are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 4-10, 19, 29, 31, 39, 40, 48, 49, and 57-59, 61, 64-71, 73, and 76-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al. (US PAP 2003/0065427) in view of Kennewick et al. (US PAP 2004/0193420) and further in view of Fukada (US PAP 2005/0131699).

13. Consider claim 1, Funk teaches a device control device (abstract) comprising:
speech recognition means which acquires speech data representing a speech
and specifies words represented by the speech by performing speech recognition on

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the speech data (paragraph 0018, speech recognition is provided for command and control); and

process execution means which specifies a content of control to be performed on an external device to be a control target based on the specified content, and performs the control (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, such as retrieving information or controlling radio functions).

Funk does not specifically teach specifying means which specifies a content of the speech uttered by an utterer based on the words specified by the speech recognition means;

A database which stores preceding controls and subsequent controls, each of which is associated with one another;

And the processing means performs control based on a currently executed control.

In the same field of speech control, Kennewick teaches specifying means which specifies a content of the speech uttered by an utterer based on the words specified by the speech recognition means (paragraphs 0160-0161, speech tokens are passed to a parser to determine the context and domain of a user's command. Domain and context correspond to what the user is actually asking for.).

A database which stores preceding controls and subsequent controls, each of which is associated with one another (0143, system stores user profile data which includes history of commands and queries and dialog history 0160. This constitutes

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preceding controls. These are used to provide context to a current command and are therefore associated with them (0161));

And the processing means performs control based on a currently executed control (commands to be executed are determined based on context information 0161).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention use the speech parser as taught by Kennewick at the output of the speech recognition in the system of Funk in order to allow the system to better understand natural language queries, and reduce the need for the use of keywords (Kennewick 0006-0007).

Funk and Kennewick do not specifically teach that the speech recognition means specifies word candidates and calculates a likelihood of each candidate,

That the specifying means specifies based on the likelihoods

That the database stores weighting factors,

And that the process execution means uses the weighting factors.

In the same field of speech command, Fukada teaches that the speech recognition means specifies word candidates and calculates a likelihood of each candidate (0038 acoustic likelihood is determined for each candidate.),

That the specifying means specifies based on the likelihoods (0040, 0041, likelihood is maximized to determine recognition result)

That the database stores weighting factors (0036, weighting factors are determine based on frequency of occurrence),

And that the process execution means uses the weighting factors (weightings are used to influence results; 0049-0050.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the likelihoods and weightings as taught by Fukada in the system of Funk and Kennewick in order to further improve speech recognition performance (Fukada 0008).

14. Consider claim 4, Funk and Kennewick teach the device control device according to claim 1. Kennewick further teaches that the specifying means holds information which associates words with one or more categories, and specifies a content of the speech uttered by the utterer based on a category in which the words specified by the speech recognition means are classified (the system associates keywords with contexts, using keyword matching; 0160. In this example, the word "temperature" is associated with two different contexts of "weather" and "measurement." Parser uses prior probability, which must be stored to be used, to determine the proper context.).

15. Consider claim 5, Funk and Kennewick teach the device control device according to claim 1. Kennewick further teaches the specifying means holds correlation information which associates words of different meanings or different categories with each process of the process execution means, and specifies a content of the speech uttered by the utterer based on a combination of those words or categories which are specified by the speech recognition means and the correlation information (the system

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associates keywords with contexts, using keyword matching; 0160. In this example, the word "temperature" is associated with two different contexts of "weather" and "measurement." Parser uses prior probability, which must be stored to be used, to determine the proper context. This probability information represents how probable it is that word is associated with a context, and thus represents the correlation information between the word and the context.).

16. Consider claim 6, Funk and Kennewick teach the device control device according to claim 1. Kennewick further teaches wherein the specifying means holds information which associates words with one or more categories, and specifies a content of the speech uttered by the utterer based on a category in which a plurality of words specified by the speech recognition means are commonly classified (the system associates keywords with contexts, using keyword matching; 0160. In this example, the word "temperature" is associated with two different contexts of "weather" and "measurement." Parser uses prior probability, which must be stored to be used, to determine the proper context. This probability represents how commonly the word is associated with a context).

17. Consider claim 7, Funk and Kennewick teach the device control device according to claim 1, wherein the specifying means holds a plurality of words assigned to respective processes of the process execution means (Funk, 0019-0020, keywords are associated with various commands), and performs a corresponding process when at

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least one of the words specified by the speech recognition means is a word assigned to the process (Funk, 00190-0020, commands are executed based on received keywords.).

18. Consider claim 8, the current combination of Funk and Kennewick teach the device control device according to claim 1, but does not specifically teach when a meaning of an input speech is not discriminatable, the specifying means prompts an input in a more discriminatable expression.

However, Kennewick further teaches teach when a meaning of an input speech is not discriminatable, the specifying means prompts an input in a more discriminatable expression (00161, system can question the user to verify question and allow them to rephrase to remove ambiguity.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user to clarify a question or a command as further taught by Kennewick, in the system of Funk and Kennewick in order to allow the system to insure an accurate response when the confidence level of a correct understanding is not high (Kennewick 0161).

19. Consider claim 9, Funk and Kennewick teaches the device control device according to claim 1, further comprising information acquisition means which acquires information from an external device (Funk, 0019 and 0026, system may access information such as stock reports and weather from a voice portal server), and wherein

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the specifying means selects an output content to be output based on the information acquired by the information acquisition means (Funk, 0019, keyword command may also be used to access information from information accessing device either through text or audible format.).

20. Consider claim 10, Funk teaches a device control device according to claim 1 further comprising:

information acquisition means which acquires information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

speech output means which outputs a speech based on the information acquired by the information acquisition means (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process specifying means is to output information acquired by the information acquisition means, the speech output means outputs a speech based on the information (, 0019, keyword command may be used to access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

21. Consider claim 19, Funk and Kennewick teaches the device control device according to claim 10:

Wherein process specifying means specifies a process to be performed based on the specified content of the uttered speech (Funk paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, such as retrieving information or controlling radio functions).

22. Consider claim 29, Funk teaches the device control device according to claim 20, wherein the process execution means includes means which, when the process specified as a process to be performed is a process of presenting information externally received to the utterer, performs the presentation by generating a speech which reads out the information (0019, information may be read out to a user in an audible format. 0031 provides an example of the spoken dialog)

23. Consider claim 31, Funk teaches an on-vehicle control device according to claim 1 so constructed as to be mountable on a vehicle having an external on-vehicle device mounted thereon (abstract, on board device, figure 6, control screen 25)

Wherein the process execution means specifies a content of control to be performed on the on-vehicle device to be a control target based on the specified content of the uttered speech, and performs the specified control (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, such as retrieving information or controlling radio functions).

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24. Consider claim 39, Funk teaches The control device according to claim 31, further comprising:

information acquisition means which acquires information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

speech output means which outputs a speech based on the information acquired by the information acquisition means (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process specifying means is to output information acquired by the information acquisition means, the speech output means outputs a speech based on the information (0019, keyword command may be used to access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

25. Consider claim 40, Funk teaches the device control device of claim 1 incorporated in a navigation device so constructed to be mountable on a vehicle (abstract, figure 5 unit 25) comprising:

Wherein the process execution means specifies a navigation process to be performed based on the specified content of the uttered speech, and performs the specified navigation process (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, navigation control functions).

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26. Consider claim 48, Funk teaches The device control device according to claim 40 further (abstract, on board device, figure 6, control screen 25) comprising:

information acquisition means which acquires information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

speech output means which outputs a speech based on the information acquired by the information acquisition means (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process execution means is to output information acquired by the information acquisition means, the speech output means outputs a speech based on the information (0019, keyword command may be used to access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

27. Consider claim 49, Funk teaches the device control device of claim 1 incorporated in an audio device (abstract, voice communicator) comprising:

wherein the process execution means specifies a content of a speech process to be performed based on the specified content of the uttered speech, and performs the specified speech process, or controls an external device in such a way as to cause the external device to perform the specified speech process (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, including

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retrieving information, which may be presented in audible form through speech. Also see 0031 for an example of a speech dialog).

28. Consider claim 57, Funk teaches The device control device of claim 49 further (abstract, voice communicator) comprising:

information acquisition means which acquires information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

speech output means which outputs a speech based on the information acquired by the information acquisition means (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process specifying means is to output information acquired by the information acquisition means, the speech output means outputs a speech based on the information (0019, keyword command may be used to access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

29. Consider claim 58, Funk teaches a device control method (abstract) comprising:

speech recognition step of acquiring speech data representing a speech and specifies words represented by the speech by performing speech recognition on the speech data (paragraph 0018, speech recognition is provided for command and control); and

process execution step of specifying a content of control to be performed on an external device to be a control target based on the specified content, and performs the control (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, such as retrieving information or controlling radio functions).

Funk does not specifically teach specifying means which specifies a content of the speech uttered by an utterer based on the words specified by the speech recognition means;

A database which stores preceding controls and subsequent controls, each of which is associated with one another;

And the processing means performs control based on a currently executed control.

In the same field of speech control, Kennewick teaches specifying means which specifies a content of the speech uttered by an utterer based on the words specified by the speech recognition means (paragraphs 0160-0161, speech tokens are passed to a parser to determine the context and domain of a user's command. Domain and context correspond to what the user is actually asking for.).

A database which stores preceding controls and subsequent controls, each of which is associated with one another (0143, system stores user profile data which includes history of commands and queries and dialog history 0160. This constitutes preceding controls. These are used to provide context to a current command and are therefore associated with them (0161));

And the processing means performs control based on a currently executed control (commands to be executed are determined based on context information 0161).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention use the speech parser as taught by Kennewick at the output of the speech recognition in the system of Funk in order to allow the system to better understand natural language queries, and reduce the need for the use of keywords (Kennewick 0006-0007).

Funk and Kennewick do not specifically teach that the speech recognition means specifies word candidates and calculates a likelihood of each candidate,

That the specifying means specifies based on the likelihoods

That the database stores weighting factors,

And that the process execution means uses the weighting factors.

In the same field of speech command, Fukada teaches that the speech recognition means specifies word candidates and calculates a likelihood of each candidate (0038 acoustic likelihood is determined for each candidate.),

That the specifying means specifies based on the likelihoods (0040, 0041, likelihood is maximized to determine recognition result)

That the database stores weighting factors (0036, weighting factors are determine based on frequency of occurrence),

And that the process execution means uses the weighting factors (weightings are used to influence results; 0049-0050.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the likelihoods and weightings as taught by Fukada in the system of Funk and Kennewick in order to further improve speech recognition performance (Fukada 0008).

30. Consider claim 59, Funk teaches the device control method according to claim 58 further (abstract) comprising:

an information acquisition step of acquiring information via predetermined communication device (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

a speech output step of outputting a speech based on the information acquired by the information acquisition step (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process execution step is to output information acquired by the information acquisition step, the speech output step outputs a speech based on the information (, 0019, keyword command may be used to access information from information accessing device either through text or audible format.

31. Consider claim 61, Funk teaches The device control method according to claim 10, Wherein the process execution means specifies a navigation process to be performed based on the specified content of the uttered speech (paragraphs 0019-

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0020, verbal command keywords result is the mobile unit performing different operations, navigation control functions).

32. Consider claim 64, Funk teaches The device control method according to claim 58 for controlling an on vehicle device mounted on a vehicle (abstract, on board device, figure 6, control screen 25)

wherein the a process execution step of specifies a content of control to be performed on the on-vehicle device to be a control target based on the specified content, and performs the specified control (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, such as retrieving information or controlling radio functions).

33. Consider claim 65, Funk teaches The method according to claim 64 further (abstract, on board device, figure 6, control screen 25) comprising:

an information acquisition step of acquiring information via predetermined communication device (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

a speech output step of outputting a speech based on the information acquired by the information acquisition step (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process specifying steps is to output information acquired by the information acquisition step, the speech output step outputs

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a speech based on the information (0019, keyword command may be used to access information from information accessing device either through text or audible format.

0031 provides an example of the spoken dialog).

34. Consider claim 66, Funk teaches The device control method of claim 58 for controlling a navigation mounted on a vehicle (abstract, figure 5 unit 25) comprising:

Wherein the a process execution step of specifies a navigation process to be performed based on the specified content of the uttered speech, and performs the specified navigation process (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, navigation control functions).

35. Consider claim 67, Funk teaches The method according to claim 66 further (abstract, on board device, figure 6, control screen 25) comprising:

an information acquisition step of acquiring information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

a speech output step of outputting a speech based on the information acquired by the information acquisition step (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process execution step is to output information acquired by the information acquisition step, the speech output step outputs a speech based on the information (0019, keyword command may be used to access

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information from information accessing device either through text or audible format.

0031 provides an example of the spoken dialog).

36. Consider claim 68, Funk teaches The device control method of claim 58 for controlling an audio device control method (abstract, voice communicator) ,:

Wherein the process execution step of specifies a content of a speech process to be performed based on the specified content of the uttered speech, and performs the speech process, or controls an audio device in such a way as to cause the audio device to perform the specified speech process (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, including retrieving information, which may be presented in audible form through speech. Also see 0031 for an example of a speech dialog).

37. Consider claim 69, Funk teaches the method of claim 68 further (abstract, voice communicator) comprising:

an information acquisition step of acquiring information via predetermined communication device (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

a speech output step of outputs a speech based on the information acquired by the information acquisition step (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process executing step is to output information acquired by the information acquisition step, the speech output step outputs a speech based on the information (0019, keyword command may be used to access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

38. Consider claim 70, Funk teaches an information recording medium storing a program a program which allows a computer to function as (abstract; 0018 discussing implementing using software):

speech recognition means which acquires speech data representing a speech and specifies words represented by the speech by performing speech recognition on the speech data (paragraph 0018, speech recognition is provided for command and control); and

process execution means which specifies a content of control to be performed on an external device to be a control target based on the specified content, and performs the control (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, such as retrieving information or controlling radio functions).

Funk does not specifically teach specifying means which specifies a content of the speech uttered by an utterer based on the words specified by the speech recognition means;

A database which stores preceding controls and subsequent controls, each of which is associated with one another;

And the processing means performs control based on a currently executed control.

In the same field of speech control, Kennewick teaches specifying means which specifies a content of the speech uttered by an utterer based on the words specified by the speech recognition means (paragraphs 0160-0161, speech tokens are passed to a parser to determine the context and domain of a user's command. Domain and context correspond to what the user is actually asking for.).

A database which stores preceding controls and subsequent controls, each of which is associated with one another (0143, system stores user profile data which includes history of commands and queries and dialog history 0160. This constitutes preceding controls. These are used to provide context to a current command and are therefore associated with them (0161));

And the processing means performs control based on a currently executed control (commands to be executed are determined based on context information 0161).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention use the speech parser as taught by Kennewick at the output of the speech recognition in the system of Funk in order to allow the system to better understand natural language queries, and reduce the need for the use of keywords (Kennewick 0006-0007).

Funk and Kennewick do not specifically teach that the speech recognition means specifies word candidates and calculates a likelihood of each candidate,

That the specifying means specifies based on the likelihoods

That the database stores weighting factors,

And that the process execution means uses the weighting factors.

In the same field of speech command, Fukada teaches that the speech recognition means specifies word candidates and calculates a likelihood of each candidate (0038 acoustic likelihood is determined for each candidate.),

That the specifying means specifies based on the likelihoods (0040, 0041, likelihood is maximized to determine recognition result)

That the database stores weighting factors (0036, weighting factors are determine based on frequency of occurrence),

And that the process execution means uses the weighting factors (weightings are used to influence results; 0049-0050.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the likelihoods and weightings as taught by Fukada in the system of Funk and Kennewick in order to further improve speech recognition performance (Fukada 0008).

39. Consider claim 71, Funk The information recording medium according to claim 70 further comprising a program causing the computer to function as:

information acquisition means which acquires information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

speech output means which outputs a speech based on the information acquired by the information acquisition means (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process specifying means is to output information acquired by the information acquisition means, the speech output means outputs a speech based on the information (, 0019, keyword command may be used to access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

40. Consider claim 73, Funk teaches The information recording medium according to claim 71,(abstract; 0018 discussing implementing using software) comprising:

Wherein the process executing means specifies a process to be performed based on the specified content of the uttered speech (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, such as retrieving information or controlling radio functions);

41. Consider claim 76, Funk teaches The information recording medium according to claim 70, wherein the computer is incorporated in an on-vehicle control device so constructed as to be mountable on a vehicle having an external on-vehicle device

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mounted thereon (abstract on board device, figure 6, control screen 25; 0018 discussing implementing using software) comprising:

Wherein the process execution means which specifies a content of control to be performed on the on-vehicle device to be a control target based on the specified content of the uttered speech, and performs the control (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, such as retrieving information or controlling radio functions).

Consider claim 77, Funk teaches the information recording medium according to claim 76 further comprising a program causing the computer to function as (abstract on board device, figure 6, control screen 25; 0018 discussing implementing using software),

information acquisition means which acquires information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

speech output means which outputs a speech based on the information acquired by the information acquisition means (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process execution means is to output information acquired by the information acquisition means, the speech output means outputs a speech based on the information (0019, keyword command may be used to

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access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

42. Consider claim 78, Funk teaches The information recording medium according to claim 70, wherein the computer is incorporated in a navigation device so constructed to be mountable on a vehicle (abstract, figure 5 unit 25; 0018 discussing implementing using software)

Wherein the process execution means specifies a navigation process to be performed based on the specified content of the uttered speech, and performs the specified navigation process (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, navigation control functions).

43. Consider claim 79, Funk teaches The information recording medium according to claim 78 further comprising a program causing the computer to function as (abstract, figure 5 unit 25; 0018 discussing implementing using software):

information acquisition means which acquires information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

speech output means which outputs a speech based on the information acquired by the information acquisition means (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process execution means is to output information acquired by the information acquisition means, the speech output means outputs a speech based on the information (0019, keyword command may be used to access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

44. Consider claim 80, Funk teaches the information recording medium according to claim 70 (abstract, voice communicator; 0018 discussing implementing using software)

Wherein the process execution means specifies a content of a speech process to be performed based on the specified content of the uttered speech, and performs the specified speech process, or controls an external device in such a way as to cause the external device to perform the specified speech process (paragraphs 0019-0020, verbal command keywords result is the mobile unit performing different operations, including retrieving information, which may be presented in audible form through speech. Also see 0031 for an example of a speech dialog).

45. Consider claim 81, Funk teaches The information recording medium according to claim 80 further comprising a program cuasing the computer to function as (abstract, voice communicator; 0018 discussing implementing using software):

information acquisition means which acquires information via predetermined communication means (0019 and 0026, and figure 2, system may access information such as stock reports and weather from a voice portal server via a call); and

speech output means which outputs a speech based on the information acquired by the information acquisition means (0019, stock and weather information may be output to the driver in an audible format, which would be speech),

whereby when the control specified by the process execution means is to output information acquired by the information acquisition means, the speech output means outputs a speech based on the information (0019, keyword command may be used to access information from information accessing device either through text or audible format. 0031 provides an example of the spoken dialog).

46. Claims 2, and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funk and Kennewick and Fukada as applied to claims 1, 11, 20, 31, 40, and 49 above, and further in view of Potter (US Patent 5,729,659).

47. Consider claim 2, Funk and Kennewick and Fukada teach the device control device according to claim 1, but does not specifically teach the speech recognition means includes speech part specifying means which specifies a part of speech of the specified words, and

the specifying means specifies a content of the speech uttered by the utterer based only on those of the words specified by the speech recognition means which are specified as a predetermined part of speech.

In the same field of speech control, Potter teaches speech recognition means includes speech part specifying means which specifies a part of speech of the specified

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words (column 13 line 45-column 14 line 20, each word in an input is assigned a part of speech, and context information is generated), and

the specifying means specifies a content of the speech uttered by the utterer based only on those of the words specified by the speech recognition means which are specified as a predetermined part of speech (column 13 lines 35-45 show how Part of Speech information is used to help determine content of an input. Because every word is assigned part of speech, only those words assigned are used to specify context, even those every word may be used to specify context).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to determine Part of Speech information as taught by Potter in the system of Funk and Kennewick and Fukada in order to allow the system to determine the meaning of each word, which may vary depending on the part of speech, as some words may have multiple parts of speech depending on usage (Potter column 13 lines 45-55).

48. Consider claim 3, Funk, Kennewick, Fukada and Potter teach the device control device according to claim 2, wherein the specifying means discriminates whether or not a combination of a plurality of words in the words specified by the speech recognition means which is specified as a predetermined part of speech (Potter column 13 lines 35-45 show how Part of Speech information is used to help determine content of an input. Because every word is assigned part of speech, only those words assigned are used to specify context, even those every word may be used to specify context) meets a

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predetermined condition (Kennewick, 0160-0161, possible context are scored, and the most likely is determined. In this case, a context being the most likely candidate is the predetermined condition for its output.), and specifies a content of the speech uttered by the utterer based on a discrimination result (Kennewick, 0160-0161, possible context are scored, and the most likely is determined. In this case, a context being the most likely candidate is the predetermined condition for its output).

Conclusion

49. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is

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(571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C. G./
Examiner, Art Unit 2626

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626